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SUB-TYPE:

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CASE #(s): C-570-950

EFFECTIVE DATE: 03/09/2010

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED:

TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: TERMINATION OF SUSPENSION OF LIQUIDATION IN THE COUNTERVAILING DUTY INVESTIGATION OF WIRE DECKING FROM THE PEOPLE'S REPUBLIC OF CHINA

1. IN KEEPING WITH THE WORLD TRADE ORGANIZATION AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES, THE DEPARTMENT IS DISCONTINUING THE SUSPENSION OF LIQUIDATION ON THE COUNTERVAILING DUTY INVESTIGATION OF WIRE DECKING FROM THE PEOPLE'S REPUBLIC OF CHINA EFFECTIVE 03/09/2010, WHICH IS 120 DAYS AFTER THE DATE OF PUBLICATION OF THE PRELIMINARY DETERMINATION (74 FR 57629, 11/09/2009).

2. THE SCOPE OF THE INVESTIGATION COVERS WELDED-WIRE RACK DECKING, WHICH IS ALSO KNOWN AS, AMONG OTHER THINGS, "PALLET RACK DECKING," "WIRE RACK DECKING," "WIRE MESH DECKING," "BULK STORAGE SHELVING," OR "WELDED-WIRE DECKING." WIRE DECKING CONSISTS OF WIRE MESH THAT IS REINFORCED WITH STRUCTURAL SUPPORTS AND DESIGNED TO BE LOAD BEARING. THE STRUCTURAL SUPPORTS INCLUDE SHEET METAL SUPPORT CHANNELS, OR OTHER STRUCTURAL SUPPORTS, THAT REINFORCE THE WIRE MESH AND THAT ARE WELDED OR OTHERWISE AFFIXED TO THE WIRE MESH, REGARDLESS OF WHETHER THE WIRE MESH AND SUPPORTS ARE ASSEMBLED OR UNASSEMBLED AND WHETHER SHIPPED AS A KIT OR PACKAGED SEPARATELY. WIRE DECKING IS PRODUCED FROM CARBON OR ALLOY STEEL WIRE THAT HAS BEEN WELDED INTO A MESH PATTERN. THE WIRE MAY BE GALVANIZED OR PLATED (E.G., CHROME, ZINC, OR NICKEL COATED), COATED (E.G., WITH PAINT, EPOXY, OR PLASTIC), OR UNCOATED ("RAW"). THE WIRE MAY BE DRAWN OR ROLLED AND MAY HAVE A ROUND, SQUARE OR OTHER PROFILE. WIRE DECKING IS SOLD IN A VARIETY OF WIRE GAUGES. THE WIRE DIAMETERS USED IN THE DECKING MESH ARE 0.105 INCHES OR GREATER FOR ROUND WIRE. FOR WIRE OTHER THAN ROUND WIRE, THE DISTANCE BETWEEN ANY TWO POINTS ON A CROSS-SECTION OF THE WIRE IS 0.105 INCHES OR GREATER. WIRE DECKING REINFORCED WITH STRUCTURAL SUPPORTS IS DESIGNED GENERALLY FOR INDUSTRIAL AND OTHER COMMERCIAL STORAGE RACK SYSTEMS.

WIRE DECKING IS PRODUCED TO VARIOUS PROFILES, INCLUDING, BUT NOT LIMITED TO,

A FLAT ("FLUSH") PROFILE, AN UPWARD CURVED BACK EDGE PROFILE ("BACKSTOP") OR DOWNWARD CURVED EDGE PROFILE ("WATERFALLS"), DEPENDING ON THE RACK STORAGE SYSTEM. THE WIRE DECKING MAY OR MAY NOT BE ANCHORED TO THE RACK STORAGE SYSTEM. THE SCOPE DOES NOT COVER THE METAL RACK STORAGE SYSTEM, COMPRISED OF METAL UPRIGHTS AND CROSS BEAMS, ON WHICH THE WIRE DECKING IS ULTIMATELY INSTALLED. ALSO EXCLUDED FROM THE SCOPE IS WIRE MESH SHELVING THAT IS NOT REINFORCED WITH STRUCTURAL SUPPORTS AND IS DESIGNED FOR USE WITHOUT STRUCTURAL SUPPORTS.

WIRE DECKING ENTERS THE UNITED STATES THROUGH SEVERAL BASKET CATEGORIES IN THE HTSUS. U.S. CUSTOMS AND BORDER PROTECTION (CBP) HAS ISSUED A RULING (NY F84777) THAT WIRE DECKING IS TO BE CLASSIFIED UNDER HTSUS 9403.90.8040. WIRE DECKING HAS ALSO BEEN ENTERED UNDER HTSUS 7217.10.1000, 7217.10.2000, 7217.10.3000, 7217.10.4030, 7217.10.4090, 7217.10.5030, 7217.10.5090, 7217.10.6000, 7217.10.7000, 7217.10.8010, 7217.10.8020, 7217.10.8025, 7217.10.8030, 7217.10.8045, 7217.10.8060, 7217.10.8075, 7217.10.8090, 7217.10.9000, 7217.20.1500, 7217.20.3000, 7217.20.4510, 7217.20.4520, 7217.20.4530, 7217.20.4540, 7217.20.4560, 7217.20.4570, 7217.20.4580, 7217.20.6000, 7217.20.7500, 7326.20.0010, 7326.20.0020, 7326.20.0070, 7326.90.1000, 7326.90.2500, 7326.90.4500, 7326.90.6000, 7326.90.8505, 7326.90.8510, 7326.90.8530, 7326.90.8535, 7326.90.8545, 7326.90.8560, 7326.90.8575, 7326.90.8576, 7326.90.8577, 7326.90.8588, 9403.20.0020, AND 9403.20.0030.

WHILE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THE INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER C-570-950.

4. FIELD OFFICES SHOULD DISCONTINUE SUSPENSION OF LIQUIDATION FOR COUNTERVAILING DUTY PURPOSES ON ALL SHIPMENTS OF SUBJECT MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 03/09/2010. THE SUSPENSION OF LIQUIDATION WILL NOT BE RESUMED UNLESS AND UNTIL COMMERCE PUBLISHES A COUNTERVAILING DUTY ORDER IN THIS CASE. FIELD OFFICERS SHALL CONTINUE TO SUSPEND LIQUIDATION ON ALL SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION MADE DURING THE PERIOD 11/09/2009 THROUGH 03/08/2010, UNTIL THE CONCLUSION OF THIS COUNTERVAILING DUTY INVESTIGATION.

5. THE DISCONTINUATION DOES NOT AFFECT THE REQUIREMENTS OF A CASH DEPOSIT OR BOND ON ENTRIES SUBJECT TO THE SUSPENSION OF LIQUIDATION ANNOUNCED IN COMMERCE'S PRELIMINARY DETERMINATION IN THE COMPANION ANTIDUMPING DUTY INVESTIGATION OF WIRE DECKING FROM THE PEOPLE'S REPUBLIC OF CHINA.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O3:KJ).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

ALICE J. BUCHANAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party